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10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

Case No.

2009-31

14 **MATTHEW D. STEINER**  
15 **P.O. Box 4021**  
**Felton, CA 95018**

**A C C U S A T I O N**

16 **Registered Nurse License No. 524570**

17 Respondent.  
18

19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
24 by Kim M. Settles, Deputy Attorney General.

25 2. On or about July 31, 1996, the Board of Registered Nursing issued  
26 Registered Nurse License No. 524570 to MATTHEW D. STEINER. The License expired on  
27 May 31, 2008.

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## DRUGS

10. Darvocet-N - is a brand name for the Propoxyphene Nap/APAP. Each Darvocet-N tablet contains 50 mg. propoxyphene napsylate and 325 acetaminophen. Each Darvocet-N 100 tablet contains 100 mg. propoxyphene napsylate and 325 acetaminophen. It is a narcotic drug and controlled substance as listed in Schedule IV of the Health and Safety Code Section 11057(c)(2) and a dangerous drug per Business and Professions Code Section 4022. It is used for the treatment of pain.

11. Lorazepam - is the generic name for Ativan. It is a depressant and a Schedule IV controlled substance as listed in Health and Safety Code Section 11057(d)(16) and is a dangerous drug per Business and Professions Code Section 4022. It is used in the treatment of anxiety.

12. Morphine Sulfate (MS) - is a Schedule II controlled substance as listed in Health and Safety Code Section 11055(b)(1)(m) and a dangerous drug per Business and Professions Code Section 4022 and is a Schedule II controlled substance as defined by Section 1308.12(b)(1) of Title 21 of the Federal Code of Regulations. Morphine, a central nervous system depressant, is a systemic narcotic and analgesic used in the management of pain.

13. Percocet - is a brand name for Oxycodone/Acetaminophen (Oxycodone/APAP), and a Schedule II controlled substance as listed in Health and Safety Code Section 11055(b)(1)(N) and is a dangerous drug per Business and Professions Code Section 4022. It is used in the management of pain.

14. Oxycodone with Aspirin is a trade name for Percocet and Percodan, and is a Schedule II controlled substance as designated by Health and Safety Code Section 11055(b)(1)(N) and is a dangerous drug per Business and Professions Code Section 4022. Oxycodone is a narcotic analgesic that is used for its calming effect of pain.

15. Vicodin and Vicodin ES - is a trade name for the generic compound consisting of Hydrocodone Bitartrate or dihydrocodeinone and Acetaminophen. Each tablet contains Hydrocodone Bitartrate or dihydrocodeinone (5 mg.) and Acetaminophen (500 mg.). Each extra strength tablet contains Hydrocodone Bitartrate or dihydrocodeinone (7.5 mg.) and

1 Acetaminophen (750 mg.). It is a Schedule III controlled substance and narcotic as defined in  
2 California Health and Safety Code Section 11056(e)(4) and is a dangerous drug within the  
3 meaning of Business and Professions Code Section 4022. It is a narcotic analgesic/opiate  
4 agonist. It is used to alter the perception of pain.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct)**

7 16. Respondent is subject to disciplinary action under Code section 2761(a) on  
8 the grounds of unprofessional conduct, as defined by Code section 2762(e), in that from on or  
9 about December 15, 2004 to January 11, 2005, while employed as a registered nurse at Sutter  
10 Maternity and Surgery Center, Santa Cruz, California, he admittedly falsified and/or made  
11 grossly incorrect and/or grossly inconsistent entries in drug and patient records and diverted  
12 Darvocet, Lorazepam/Ativan, Morphine Sulfate and syringes, Percocet/Oxycodone with  
13 Acetaminophen, and Vicodin/Hydrocodone from the PYXIS (automated dispensing system)  
14 machine, as set forth below. Respondent provided said controlled substances to an addicted  
15 friend.

16 a. **Patient 1**<sup>1</sup> - On December 28, 2004 at 1605 hours, Respondent withdrew three  
17 tablets of Percocet 5/325 mg. from PYXIS. The doctor's orders were for one tablet of Percocet  
18 5/325 mg. every three hours as needed for mild pain or two tablets every four hours as needed for  
19 moderate pain. Respondent charted administration of two Percocet 5/325 mg. tablets at 1600  
20 hours, five minutes before said medication was withdrawn. Respondent failed to document the  
21 effect of the Percocet. At 1810 hours, respondent returned one tablet of Percocet 5/325 mg. to  
22 PYXIS. Respondent failed to return the Percocet within fifteen minutes after he administered the  
23 correct dosage to the patient.

24 On December 28, 2004 at 2103 hours, Respondent withdrew 1 tablet of Ativan 2  
25 mg./cc from PYXIS. The doctor's orders were for 0.5 mg. Ativan, as needed for anxiety.  
26 Respondent failed to document the administration or otherwise account for said Ativan.

27 \_\_\_\_\_  
28 1. All patients are identified by numbers in order to preserve patient confidentiality. The  
medical record numbers of these patients will be disclosed pursuant to a request for discovery.

1                   b. **Patient 2** - On December 20, 2004 at 1612 hours, Respondent withdrew two  
2 tablets of Percocet 5/325 mg. from PYXIS. The doctor's orders were for one tablet of Percocet  
3 5/325 mg. every three hours as needed for mild pain or two tablets every four hours as need for  
4 moderate pain. Respondent charted the administration of one Percocet 5/325 mg. tablet at 1700  
5 hours. Respondent failed to document the administration of said Percocet within fifteen minutes  
6 from the time he withdrew it from PYXIS. Additionally, respondent failed to document or  
7 otherwise account for the remaining Percocet 5/325 mg. tablet.

8                   On December 22, 2004 at 2244 hours, Respondent withdrew two tablets of  
9 Darvocet N 100, from PYXIS. The doctor's orders were for one to two tablets of Darvocet N  
10 100, as needed, for pain. Respondent failed to document or otherwise account for said Darvocet.

11                   c. **Patient 3** - On January 3, 2005 at 1606 hours, Respondent withdrew two, 10  
12 mg. Morphine Sulfate syringes from PYXIS. The doctor's orders were for 2 - 4 mg. Morphine  
13 Sulfate IV, as needed for breakthrough pain. Respondent charted the administration of "2-4 mg.  
14 MS" IM at 1600 hours but failed to legibly document the dosage administered to the patient.  
15 Respondent failed to chart the effect of the medication and failed to timely complete the pain  
16 reassessment section of the patient chart.

17                   On January 3, 2005, Respondent withdrew two tablets of Vicodin 5/500 at 1608  
18 hours from PYXIS. The doctor's orders were for one Vicodin 5/500 every four hours, as needed,  
19 for pain. Respondent charted the administration of one tablet of Vicodin 5/500 at 1630 hours.  
20 Respondent failed to document the administration of said Vicodin within fifteen minutes from  
21 the time he withdrew it from PYXIS. Respondent failed to chart the effect of the medication and  
22 failed to timely complete the pain reassessment section of the patient chart. Additionally,  
23 respondent failed to document or otherwise account for the second Vicodin tablet.

24                   d. **Patient 4** - On December 15, 2004 at 1543 hours, Respondent withdrew two  
25 tablets of Percocet/Oxycodone APAP 5/325 mg. from PYXIS. The doctor's orders were for one  
26 tablet of Percocet APAP 5/325 mg. every three hours as needed for mild pain or two tablets every  
27 four hours as needed for moderate pain. Respondent charted the administration of two tablets of  
28 Percocet/Oxycodone APAP 5/323 mg. at 1530 hours, thirteen minutes prior to the time he

1 withdrew the Percocet from PYXIS. Respondent failed to chart the effect of the Percocet.

2           On December 15, 2004 at 1951 hours, Respondent withdrew two tablets of  
3 Percocet/Oxycodone APAP 5/325 mg. from PYXIS. Respondent failed to legibly document or  
4 otherwise account for said Percocet.

5           e. **Patient 5** - On January 3, 2005 at 1537 hours, Respondent withdrew two  
6 tablets of Percocet/Oxycodone APAP 5/325 mg. from PYXIS. The doctor's orders were for one  
7 to two tablets of Percocet/Oxycodone APAP 5/325 every three hours, as needed for severe pain.  
8 Respondent failed to chart the administration or otherwise account for said Percocet/Oxycodone.

9           On January 3, 2005 at 1725 hours, Respondent withdrew two tablets of  
10 Percocet/Oxycodone APAP 5/325 mg. from PYXIS. Respondent charted the administration of  
11 said Percocet at 1700 hours, twenty-five minutes before he withdrew the Percocet from PYXIS.

12           On January 3, 2005 at 2302 hours, Respondent withdrew two tablets of  
13 Percocet/Oxycodone APAP 5/325 mg. from PYXIS. Respondent failed to legibly document or  
14 otherwise account for said Percocet.

15           f. **Patient 6** - On January 7, 2005 at 1644 hours, Respondent withdrew two  
16 tablets of Percocet/Oxycodone APAP 5/325 mg. from PYXIS. The doctor's orders were for one  
17 tablet of Percocet/Oxycodone APAP 5/325 mg. every three hours as need for mild pain or two  
18 tablets every four hours as needed for moderate pain. Respondent failed to chart the  
19 administration or otherwise account for said Percoset.

20           On January 7, 2005 at 1839 hours, Respondent withdrew two tablets of  
21 Percocet/Oxycodone APAP 5/325 mg. from PYXIS. Respondent charted the administration of  
22 said Percocet at 1820 hours, nineteen minutes before he withdrew the Percocet from PYXIS.

23           On January 7, 2005 at 2015 hours, Respondent withdrew two tablets of  
24 Percocet/Oxycodone APAP 5/325 mg. from PYXIS. Respondent failed to chart the  
25 administration or otherwise account for said Percocet.

26           g. **Patient 7** - On January 11, 2005 at 1607 hours, Respondent withdrew two  
27 tablets of Percocet/Oxycodone APAP 5/325 mg. from PYXIS. The doctor's orders were for one  
28 tablet of Percocet/Oxycodone APAP 5/325 mg. every three hours as needed for mild pain or two

1 tablets every four hours as needed for moderate pain. Respondent charted the administration of  
2 two tablets of Percocet/Oxycodone APAP 5/325 mg. at 2100. Respondent failed to document the  
3 effect of the medication. The patient denied having received said pain medication.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct)**

6 17. Complainant realleges the allegations set forth in Paragraph 16, and its  
7 sub-parts, above, which are herein incorporated by reference as though fully set forth.

8 18. Respondent is subject to disciplinary action under Code section 2761(a) on  
9 the grounds of unprofessional conduct, as defined by Code section 2762(a), in that respondent  
10 unlawfully obtained and possessed controlled substances and dangerous drugs by diverting said  
11 drugs from the hospital supply, as set forth in Paragraph 16, and its sub-parts, above.

12 **PRAYER**


13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 524570 issued  
16 to MATTHEW DOUGLAS STEINER;

17 2. Ordering MATTHEW DOUGLAS STEINER to pay the Board of  
18 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
19 pursuant to Business and Professions Codes section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 8/12/08

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23   
24 RUTH ANN TERRY, M.P.H., R.N.  
25 Executive Officer  
26 Board of Registered Nursing  
27 State of California

28 Complainant